App. F. IX-4

1926.

File No. 81-26

Previous References
(Courts)
EA&SR-4924-9-17.

Serial Nos. 1–4

Later References
Ab 170-36(1-2)

PRESERVED

General and Revenue Secretariat.

Serial Nos. Four.

Part B for September 1927

SUBJECT

Addendum to civil rule of practice

No 139 & 6.5.-1908.

G.O. No P148&9 11.-9.-27 To the Regr Chief Court

Recording communications of the Registrar, in this matter

Manuaswamy Iyengar
20-10-27

G. R. S. III—1] 1926-27

GENERAL AND REVENUE SECRETARIAT.

Courts

NOTES.

File No. 87-26

FILE HEADING.

Addendum to Civil Rule of Practice no 139 of 6.5.1908 relating to the Diary and Posting Book of the civil courts making available for inspection to the parties and the abolition of the system of preparing cause lists in courts.

From

The Registrar High Court

Regn No. 1092 Dated 6.9.26 Received 8.9.26

Diary No. 1247	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

States that the system of writing up cause lists and posting them on notice Boards in the civil courts involves considerable time to the detriment of more useful work and that the dates of postings of cases can be got from the Diary and Posting Book of each courts and that the Diary and Posting Book may be made available for inspection by parties and Pleaders and that the system of writing up cause lists may well be abolished and requests sanction to the accompanying addendum to the civil Rule of Practice no 139 of 6.5.1908 which makes available for inspection NOTES AND ORDERS. the Diary and Posting Book and abolishes the system of writing up cause lists

Submitted

In Madras the cause list is posted daily showing the cases which will be heard on the succeeding day. (Vide Page 47 - Madras Civil Rules of Practice). It is not known whether the system of posting cause lists obtains elsewhere in India.

NOTES—First Sheet.

WD 1881—GPB—30,000—1-8-21

1262

WD 01264—GPB—40,000—17-12-25

App. F. III—2]

General and Revenue Secretariat

C.S. File No. 87 of 1926-27

Serial No.

It is a point for consideration whether the Diary and Posting Book can be made available. Reasons for adjournments ought to have been recorded in the Posting Book. Lawyers may take advantage of the information contained therein

Send for orders

B
23/9/26
AM
1419

Please put up first appeal Civil Side also appeal in rates

2

The practice in the Madras Bombay & other provinces may be ascertained

B
5/4

C.S.
6/4

3

Send note accept

B
6/4/27
AM
7/4

4

Ame

B
8/4

2

To

The Registrar, Chief Court
No. P. 5340 D 9/4/27
Requests him to intimate the practice obtaining in this regard in Madras, Bombay & other Provinces

Con A
19/4

1007

App. F. III—2]

General and Revenue Secretariat. | No File No. 61 of 1927

Serial No.

3

From

The Regr. Civil Court

Letter no Roc 10928/18.8.27.

Forwards copies of letters received from the High Courts in British India re the question of making available for inspection to the parties of the Diary and Posting Book of the civil courts and states that on a reconsideration, the Judges prefer to allow the existing practice to continue.

Submitted for orders. The communications of the Civil Court may under the circumstances be recorded.

6. Submitted for perusal. The Communications may be recorded as the Ch. Ch. do not press the proposal.

26/8/27

Reg. Revn.) 29/8

Sec'y is on leave

1840/29

I member) 2/9

Hon'ble Member 8/9

This can be dropped

8/9

NOTE—Contn. sheet

WD 0324—GPE—60,000—24-5-27

General and Revenue Secretariat. | No. File No. 61 of 1926

Serial No. 4.

To The Registrar Chief Court
Roap 1488 Dt 14-9-27
Record the Communication
of the Registrar re the addenda to
the Civil Rule of Practice no 139
of C.S. 1908

4368D.

Telgm:
"JUSTICE"

1242 9 26

CHIEF COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore 6th September 1926.

R. O. C. No. 1092 25-26 Enc one

C.S. 87-26-1

From

A. Sreenivasaragavachari, Esq., B.A., B.L.,
Registrar, Chief Court of Mysore.

B. Nagappa, Esq., Bar.-at-Law,
Secretary to ~~the~~ the Government of Mysore,
Local and Legislative Departments,
Bangalore.

Sir, C.S. 87

I am directed to state that under R.P. No. 10 dated 13th September 1878, and printed at page 87 of General Rules and Orders Civil - Vol. I, weekly cause lists have to be written up during the previous week and posted on the Notice Board with a view to give information to parties and pleaders as to which cases will be taken up during the succeeding week. During the inspections of Subordinate Civil Courts by the Judges of the Chief Court, it has been noticed however that this is not done in most of the Courts. The work of preparing such lists involves considerable time to the detriment of more useful work in Civil Courts and is altogether disproportionate to the advantages of this list to parties and -- pleaders.

I am to state further that the Diary and Posting Book of the Civil Courts prescribed under R.P.No. 139 dated 6th May 1908 and printed at page 94 of the General Rules and Orders -Civil-- Vol. II, contains full and accurate information not only of the work done on a particular day but also the orders passed in -- particular cases, as well orders relating to adjournments and disposals. The entries in this book are not confidential and there is no objection to their being made available for inspection by parties and pleaders. By making the entries in the --

register

2

register so available to parties and pleaders all the purposes of weekly cause lists can be served without the additional scriptory work involved in the preparation of weekly Cause Lists separately. In most cases, it may also be observed, adjournments are ordered in the presence of parties and pleaders who note the dates of adjournments, etc., in their diary. Postings of ~~weekly~~ newly instituted cases are also entered in the Diary and Posting Book. || For the foregoing -- reasons it is proposed to abolish the weekly Cause Lists and to issue suitable instructions to the Subordinate Courts in the matter of -- keeping open the Diary and Posting Book for inspection in the Court Hall during certain fixed working hours of the day.

I am to request therefore that the Government may be pleased to accord their sanction to the accompanying Addendum to R.P. No. 139 dated 6th May 1908, and the Government may also be pleased to order the deletion of question No. 32 in the set of questions for the inspection of Subordinate Civil Courts issued under G.O. No. 478-8-6/E.A.G. 52-4, dated 24th September 1917.

I have the honor to be.

Sir,

Your most obedient servant,

M Viswanathan.

For Registrar.

RLN.

IN THE CHIEF COURT OF MYSORE, BANGALORE.

(Civil side)

.-:ooo:-

Addendum dated
to R.P. No. 139 dated 6th May 1908.

The Chief Court directs that the following be added..

"4 A. The Diary and Posting Book shall be kept open for inspection by parties and pleaders, in the Court Hall, during certain fixed working hours of the day, preferably between 12 noon and 2 P.M.

This cancels R.P. No. 10 dated the 13th September 1878.

M Srinivasaraya
For Registrar.

RLN.

APP. F. VI. Gl.]

SUBJECT.....

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Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

Date of issue 9/4/27

Signed by M'Jas

List of enclosures.....

Copied by Dongla

Examined by.....

Section No

File No. 81-26

Serial No. 2

No. 5360

To

The Registrar High Court

Sir

With reference to your letter no Roc 1092/25-26 dt 6-4-1926 re the Diary and Posting Book of Civil Courts being made available for inspection by the parties and the Advocates of the practice of preparing cause lists and posting them on the notice board in the civil courts, I am directed to request you to kindly intimate the practice obtaining in this respect in Madras and Bombay and other Provinces

Thanking you

8/4

over

for Secretary

WD 01265—GPB—31,000— 24-12-25

1007/1927 564

Telgm:
"JUSTICE"

CHIEF COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore...18th...August...***1927*** .

R. O. C. ~~Dis.~~ No. 1092/25-6 Enc 6.

Cts 81-26-3

From

A. Sreenivasaragavachari, Esq., B.A., B.L.,
Registrar, Chief Court of Mysore.

To

B. NAGAPPA, Esq., Bar-at-law,,
Secretary to the Government of His Highness
the Maharaja of Mysore, Law Department,
BANGALORE.

Sir,

I am directed to acknowledge the receipt of your letter No. P. 5310/Cts. 81-26-2 dated the 9th April 1927 requesting to intimate the practice obtaining in the Courts of Madras, Bombay and other Provinces in respect of the Diary and Posting Book of the Civil Courts being made available for inspection to the parties etc., and in reply to forward herewith copies of the marginally noted letters

1. Letter ROC.No.2056 B 4/27 dated 25-7-27 from the Registrar, High Court, Madras.	received from the High Courts in British India and to add that on reconsideration the Judges of
2. ,, ,, No.3114 dated 24-6-27 from the Registrar, High Court, Bombay.	
3. ,, ,, No.4400 dated 10-6-27 from the Registrar, High Court, Lahore.	
4. ,, ,, No.8219 G. dated 9-6-27 from the Registrar, High Court, Calcutta.	
and 5. ,, ,, No.3189/59 dated 2-6-27 from the Registrar, High Court, Allahabad.	

the Chief Court prefer to allow the existing practice to continue.

I have the honour to be,

Sir,

Your most obedient servant,

For REGISTRAR.

KVN/-

564

6

Letter R..O.C.No..2056 B 4/27 dated the 25th July 1927 from the Registrar, High Court of Judicature, MADRAS, to the Registrar, Chief Court of Mysore, Bangalore.

Cause list on Court notice Boards.
Refer: Your letter R.O.C. 1092/25-26 dated 26/5/27.

I am to invite a reference to Rule 16 of the Civil Rules of Practice (1905) which requires that on the last working day in every week, a list of the suits, petitions, appeals etc., appointed to be heard on each day of the next week but one, shall be posted on a notice board of the Court. High Court's Proceedings R. O. C. 1556 dated 23-4-1915 printed on page 47 of Rules and Orders by Rao Sahib C. Chandrasekhara Iyer - (II Edition) directs that for the convenience of the practitioners and parties, a cause list should be posted daily on the notice board showing the causes which will be heard on the succeeding day. I am also to state that the practice in the Mufassal Courts is to the above effect.

The Court Diary is made available for inspection by the practitioners but not the posting book.

" COPY "

M Venkatasubbaiah

For R E G I S T R A R.

KVN/-

Letter No. 3114 dated 24th June 1927 from the Registrar, High Court of Judicature, BOMBAY, to the Registrar, Chief Court of Mysore, Bangalore.

With reference to your letter R. O. C. No. 1092/25-26 dated 26th May 1927, I have the honour to state on the basis of the information supplied by a few District Courts that in the Subordinate Courts only daily Cause lists are put up on the notice-boards, though Rule 159 C of the Manual of Civil Circulars recommends a weekly board in addition. As regards Civil appeals the practice has been to put on the notice-board a fortnightly Cause list. The Diary or Memorandum book is open to pleaders for inspection.

" C O P Y "

M Venkatasubbaiah.

For R E G I S T R A R.

KVN/-

Letter No. 4400 G. dated the 10th June 1927 from the Registrar, High Court of Judicature, LAHORE, to the Registrar, Chief Court of Mysore, Bangalore.

******

In reply to your letter No. R. O. C. No. 1092/25-26, dated the 26th May 1927, I am directed to say that all the Civil Courts in this province are required to prepare cause lists daily giving the dates fixed for the hearing of all cases to be tried. They are also required to suspend these lists in the Court Room or Verandah of the Court house on the afternoon of the day preceding that to which they relate, for the information of parties and their pleaders vide para 1 of Section XIII, Rules and Orders of this Court, Volume I.

****

" C O P Y "

For R E G I S T R A R.

KVN/-

Letter No. 8219 G. dated the 9th June 1927 from the Registrar, High Court of Judicature, CALCUTTA, to the Registrar, Chief Court of Mysore, Bangalore.

****

With reference to your letter No. 1092/25-26, dated the 26th May 1927, regarding the publication of the cause lists of Civil Courts in Bengal, I am directed to refer you to Rule 49, Chapter I, Volume I of this Court's General Rules and Circular Orders, Civil, of which a copy is enclosed.

****

Extract from the Court's General Rules and Circular Orders Volume I, Civil. Chapter I. Page 17.

* * *

49. At the close of each day a list shall be prepared and posted up in the Court-house showing all cases for the hearing or adjourned hearing of which dates have been fixed during the day, and the dates so fixed.

* * *

" C O P Y "

M Ramaswamy Iyer.

For R E G I S T R A R:

KVN/-

584

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Letter No. 3189/59 dated the 2nd June 1927 from the Asst. Registrar, High Court of Judicature, ALLAHABAD, to the Registrar, Chief Court of Mysore, Bangalore.

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Civil - side.

With reference to your letter R.O.C. No. 1092/25-26 dated the 26th May 1927, I am directed to enclose for your information, a copy of rule 5 of Chapter I of the General Rules, Civil, for Civil Courts subordinate to this High Court (1926 Edition) which clearly explains the method of preparation of Weekly Cause Lists of Cases and their posting in the Subordinate Courts.

I am also to state that daily cause lists are not prepared or posted; but besides the weekly cause list, separate Memorandum Books of dates for original suits and appeals, for execution cases and for miscellaneous cases, giving particulars regarding no. of case, names of parties and pleaders, purpose for which case is set down for hearing and other necessary information of each case, are kept in all civil courts and they are open to the public for inspection free of charge.

* Ch. XV, r. 2.
** Ch. IX, r. 17.

Enclosure:- Copy of rule.

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" C O P Y "

Mrinmayi Nigam.
For R E G I S T R A R.

KVN/-

Copy of rule 5 of Chapter I of the General Rules Civil, for Civil Courts subordinate to this High Court (1926 Edition).

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5. A weekly list, in the form subjoined, of cases fixed for hearing shall be posted in some conspicuous place in every Court-houses for the information of parties and pleaders. In the preparation of such list precedence shall be given to cases which are at hearing or which have been already adjourned.

The list shall be prepared and posted on the last working day of the previous week, and the order in which the cases are entered shall not be departed from without the express order of the presiding Judge of the Court.

Space shall be left in the list, at the head of the entries of each day, for the subsequent insertion, if necessary, of any case adjourned from one to another day of the week.

In the fifth column it shall be noted in regard to each case for what purpose it is to be laid before the Court: whether, for instance, for settlement of issues or for final disposal or for delivery of judgment.

List of cases fixed for hearing during the week from.... to..

1. Date fixed.	2. Number and description of case.	3. Names of parties.	4. Name of pleader, if any.	5. Purpose.	6. REMARKS.

"COPY"

M Venkatasubbaiah.

KVN/-

For REGISTRAR.

G.R.S. VI G 34]

12

SUBJECT.....

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Diary No. of letter replied to.....

Section C5

File No. 81-26

Serial No. 4

General and Revenue Secretariat

( )

, *the* 192 .

Proceedings of the Government of His Highness the Maharaja of Mysore

Date of issue.... 14.9.27

Signed by.....

Read—

Letter No Rose 1092 & 6.5.26 from the Regr., Chief Court., stating that the system of writing up cause lists and posting them on notice boards in the civil courts involves considerable time to the detriment of more useful work and that as the dates of postings of cases may be got from the Diary and the Posting Book of each court these may be made available for inspection by parties and Pleaders and the system of writing up cause lists and posting them

Order Thereon—No. may be dispensed and Representing sanction to the accompanying addition to the Civil Rule of Practice, no 139 & 6-5-1908 ~~passed~~ which makes available for inspection the Diary and the Posting Book and abolishes the system of writing up Cause lists.

(2) Correspondence ending with letter

May this be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

13

d) 18-8-27 from Sir Dawn (Aden) forwarding copies of letters from the High Courts in British India as regards the practice obtaining in the respective Courts in British India in the matter and stating that on reconsideration the judges of the High Court prefer to adhere the existing practice to continue

order P.C.P. 11 5 28

Recorded

G G Low Leg

Do

the High Court Madras

G Govt Sig

List of enclosures.

Copied by

Examined by

WD 1885—GPB—1,000,00—21-12-21.